ADRO

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 SEP -2 PM 12: 02
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KNH DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Manuel CEBALLOS-Guzman,** Defendant	Magistrate Docket No. '08 MJ 2694 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **August 31, 2008** within the Southern District of California, defendant, **Manuel CEBALLOS-Guzman,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd DAY OF **SEPTEMBER, 2008.**

Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

DOA 8/31/08 KNH

CONTINUATION OF COMPLAINT:
Manuel CEBALLOS-Guzman

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On August 30, 2008, at approximately 11:00 A.M., Senior Patrol Agent Antonio Cacho pursuant to an I-247 Immigration detainer placed on the defendant **Manuel CEBALLOS-Guzman** on March 26, 2008 was contacted by the San Diego County Sheriffs, George F. Bailey Detention Facility that CEBALLOS was going to be released on August 31, 2008.

On August 31, 2008, at approximately 1:00 P.M., Senior Patrol Agent A. Cacho and Supervisory Border Patrol Agent A. Pacheco responded to the San Diego County Sheriffs, George F. Bailey Detention Facility. Agents Cacho and Pacheco identified themselves as United States Border Patrol Agents. Both agents questioned CEBALLOS as to his identity and his immigration status. CEBALLOS stated that his name was Manuel CEBALLOS-Guzman. Agents asked CEBALLOS about his citizenship and nationality. CEBALLOS stated that he was born in Mexicali, Baja California, Mexico. Agents questioned CEBALLOS if he had any immigration documents that would allow him to enter or remain in the United States legally. CEBALLOS stated that he did not. On August 31, 2008, at approximately 1:45 P.M., CEBALLOS was arrested and transported to the Chula Vista Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 08, 2006** through **San Ysidro, California** . These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on September 1, 2008 at 10:00 a.m.

[signature]
Ilsa M. Struve
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 12, 2007,** in violation of Title 8, United States Code, Section 1326.

[signature]
Leo S. Papas
United States Magistrate Judge

9/1/08 - 1:10 PM
Date/Time